THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.20994 of 1998

DATED: 05-04-2007

Between:-

Gadikota Krishna Reddy and others.

.. Petitioners

and

The Revenue Divisional Officer-cum-Land Acquisition Officer, Kadapa District and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.20994 of 1998

ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the award No.17/96-97, dated 31.10.1996, passed by the 1st respondent and quash the same as illegal, arbitrary and contrary to the provisions of the Land Acquisition Act (for short 'the Act').

The brief facts of the case are that the petitioners own certain extents of lands in various survey numbers at Ramanapalle village, Chennur Mandal of Kadapa District. Their lands were proposed to be acquired by the Government for providing house sites to the weaker sections of the society by issuance of notification under Section 4 (1) of the Act. Enquiry under Section 5-A of the Act was dispensed with by invoking urgency clause under Section 17 (4) of the Act and thereafter draft declaration under Section 6 of the Act was issued. Subsequently, as per the impugned order, notices under Section 9 (3) and 10 of the Act were issued inviting objections from the interested persons, however, the third petitioner received the notice and filed objections, but the others failed to do so. Later, award enquiry was conducted and compensation was fixed vide award No.17/96-97 dated 31.10.1996.

Now, the grievance of the petitioners is that they were not intimated about either the notification or the draft declaration and they were also not aware of the award enquiry and even they did not participate in the said enquiry and, therefore, the impugned award is passed in violation of principles of natural justice and the same is liable to be set aside. Hence, this writ petition.

Despite service of notice, no counter is filed by the respondents denying the various allegations made in the affidavit filed in support of this writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

Normally, when counter is not filed by the respondents, this Court would accept the contentions of the petitioners and allow the writ petition. But, having regard to the fact that no interim order was passed by this Court staying the operation of the impugned award, this Court is of the view that the respondents must have taken possession of the lands and the lands must have been plotted and given to the beneficiaries. Hence, this Court is not inclined to interfere with the said award.

Accordingly, this writ petition is dismissed. No costs.

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GOPALA KRISHNA TAMADA, J

5th April, 2007
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